

be of the height of *Forty-seven Feet*, and shall not be higher than *Fifty-seven Feet*; and every brewery, distillery, manufactory, warehouse or other building whatsoever (not being a dwelling-house or of the Sixth or Eighth Rate of Building), which shall be higher than *Thirty Feet*, and shall not be higher than *Forty Feet*, shall be deemed of the *Sixth Rate or Building*.

And be it Enacted, That every dwelling-house which shall contain either *Three or Four Floors*, and which shall be of the height of *Thirty-three Feet*, but shall be under *Forty-seven Feet* in height; and also every dwelling-house of a lower height (if any) which shall have more than *Three Floors*; and every brewery, distillery, manufactory, warehouse or other building whatsoever (not being a dwelling-house or of the Sixth or Eighth Rate of Building), which shall be higher than *Twenty-two Feet*, and shall not exceed *Thirty Feet*, shall be deemed of the *Third Rate or Building*.

And be it Enacted, That every dwelling-house which shall not have more than *Three Floors*, and which shall be less than the height of *Thirty-three Feet*; and every brewery, distillery, manufactory, warehouse or other building whatsoever (not being a dwelling-house or of the Fifth or Sixth or Seventh or Eighth Rate of Building), which shall not be higher than *Twenty-two Feet*, shall be deemed of the *Fourth Rate or Building*.

And be it Enacted, That every building not being a dwelling-house, brewery, distillery, manufactory or warehouse, or of the Sixth or Seventh Rate, which shall contain only *One Floor*, and shall not exceed a height of *Twelve Feet* from the top of the footings to the top of the wall or parapet of any one of the fronts thereof, shall be deemed of the *Fifth Rate or Building*.

And be it Enacted, That every building which shall be at the distance of *Twenty Feet* at the least from any existing or intended street or alley, and which shall be detached from any house or building, or from ground not in the same possession therewith, *Fifty Feet* at the least, or which shall be connected therewith only by a fence or fence wall, shall be deemed of the *Sixth Rate or Building*; and the walls or inclosures thereof may be built of any materials whatever, but such walls or inclosures, if built of brick or stone, shall be built, according to their several heights, of the thicknesses hereinafter required for external walls of the *First or Second or Third or Fourth or Fifth Rate of Building*, and all the chimneys and flues shall be built as hereinafter directed for the building of all chimneys and flues.

And be it Enacted, That every building which shall be built for the purposes of trade or the collection of toll, and which shall be detached *Fifteen Feet* at the least from any other house or building, and which shall not cover more than *One hundred square Feet* of ground, and the height of which shall not exceed *Twelve Feet* from the ground to the highest point of the roof, shall be deemed of the *Sixth Rate or Building*, and may be inclosed with any materials whatsoever, except the roof, which shall be covered as hereinafter directed; and except the chimney and flue (if any), which shall be built as hereinafter directed with respect to chimneys and flues.

And be it Enacted, That all churches, chapels and other places for public worship; all theatres, exhibition rooms and other buildings, whether inclosed within the aforesaid Rates or not, and every other sole or at stated periods for purposes of public business, instruction, debate, diversion or resort; and also all breweries, distilleries, manufactories or warehouses, which shall be more than *Fifty Feet* high from the level of the lowest or first floor thereof to the top of the wall of any one of the fronts thereof; and also all dwelling-houses which shall contain more than *Seven Floors* inclusive of that (if any) in the roof thereof, or which shall exceed *Seventy Feet* in height from the surface of the lowest or first floor to the top of the wall or parapet of either of the fronts thereof, and which shall hereafter be built, shall, when such buildings shall be capable of being classed under any of the Rates herebefore set forth, be built with party and external walls at least *Four Inches* and a *Half* thicker than hereinafter required for party and external walls of buildings of the Rate to which they shall belong; but whenever the same shall exceed the limits herebefore assigned to the *First Rate* of building, One with party and external walls at least *Four Inches* and a *Half* thicker than hereinafter required for party and external walls of buildings of the *First Rate*, and shall be included in an *Eleventh Rate or Building*; and all such buildings shall be built in other respects according to all the rules and regulations of this Act, so far as the same apply, but subject nevertheless to the special control hereinafter directed; and when all the walls of every such house or building shall have been built of their full height, and all the timbers of the floors, roofs and partitions shall have been fixed, and every such house or building shall have been covered to the owner thereof shall give *Twenty-one Days* notice to the Surveyor and to the Official Referees, who shall, at a time to be specified in such notice, survey the said house or building; and they shall, within *Seven Days* after the making of such survey, certify under their hands to the owner thereof their approval of the same; or in case of any part of the walls, timbers, roof or internal supports shall appear defective or insufficient, such Surveyor and Referees, or any Three of them, then within the same *Seven Days* they shall give notice in writing to such owner of such parts as shall so appear to them defective or insufficient; and upon such notice, the said owner shall forthwith proceed to alter and strengthen such defective and insufficient parts, and shall not cover up any such parts until such Surveyor and Referees, or Three of them, shall be satisfied and shall have certified in writing their approval as aforesaid.

And be it Enacted, That Her Majesty's Principal Secretary of State acting for the Home Department, shall appoint Three persons, being Architects, who shall be termed "Official Referees," for the purpose of determining the questions hereafter directed to be referred to

them; and the determination of any Two of such Referees shall be binding on all parties in respect of any matters hereafter referred to such Referees; and any question hereafter directed to be referred to them may, if the parties interested agree, be referred to any One of such Referees, whose decision shall be binding in all respects; and such persons may be nominated from time to time, and may be removed, as such Principal Secretary for the time being as aforesaid shall think proper.

And be it Enacted, That any building or office, now built or hereafter to be built, attached to any dwelling-house or building of the *First, Second Third, Fourth, and Fifth or Eighth Rates*, and to any brick or stone building of the *Sixth Rate*, and to be held in the same occupation therewith, and whether such attached building or office was or shall be built at the same time with such dwelling-house or building to which the same shall be attached, or at any time afterwards, shall, so far as regards the external walls thereof, be held to be of the Rate of which such attached building or office would be if not so attached, but so far as regards the party walls thereof, if any, shall be held to be of the Rate of the dwelling-house or building of the highest Rate to which such party walls shall be joined when such attached building or office shall be completed; and also, that it shall be lawful to build any greenhouse for plants, vinery, aviary, or such like building, either attached to or detached from any house or building, in such manner and of any such materials as shall be approved by the Surveyor in whose district the same shall be built, provided that the party wall, if any, shall be built as hereinafter directed for party walls.

And be it Enacted, That every building or office now built, or which shall hereafter be built, to be held in the same occupation with any house or building of the *First, Second, Third, Fourth, Fifth, Sixth and Eighth Rate*, and entirely free and detached from such house or building, or connected therewith only by a fence or fence wall or covered passage, open on one or both sides, shall be deemed to be of the Rate such building or office would be if of the same did not belong to such house or building.

And be it Enacted, That the Rate of any house or building shall be ascertained by the Surveyor by measurement of the wall of the highest front or side thereof, not being a party wall; and that the number of Squares contained in any house or building shall be ascertained by such Surveyor by measurement of the surface of the floor containing the greatest number of Squares at or above the principal entrance to such house or building, including such parts of the party walls as belong to such house or building, but not any attached area or balcony, or open portico; and in case the owner, or any other person interested in such house or building, shall apprehend himself to be injured by the measurement made by such Surveyor as aforesaid, it shall be lawful for such owner or other person to refer the same to the determination of the aforesaid Official Referees, whose decision shall be final.

And be it Enacted, That the thickness of any party wall, external wall, or party fence wall, and of the footings thereof, of any house or building already built, or which shall be hereafter built, shall be ascertained by measuring only the thickness of which such walls or footings shall have been originally built; and that no additions made at any time to the thickness of such walls or footings shall be deemed to add to the thickness of such wall or footing; and if any person shall build any wall of a less thickness than is hereby required, or shall at any time take down any portion of any wall so as to reduce the thickness thereof, and shall be convicted of the same before any Two Justices of the Peace, he shall for every such offence be fined in any sum not exceeding *One hundred Pounds*, and such wall shall be declared a nuisance, and shall be taken down accordingly, as is after directed with respect to nuisances.

And be it Enacted, That it shall not be lawful, after the passing of this Act, to form any street of a less width in every part thereof than *Twenty Feet*, or any alley of a less width in every part thereof than *Twenty Feet*, where such alley shall have two entrances thereto at opposite sides or ends, at least *Twenty Feet* wide, open from the ground upwards, not of a less width in every part thereof than *Twenty Feet*, where such alley shall have only one entrance thereto, and which entrance shall be at the least *Twenty Feet* wide, open from the ground upwards; and the width of every street or alley shall be ascertained by measuring (at right angles to the course thereof) such width only as shall be given up to or used by the public, or shall be paved or lighted at the public expense, and to be under the superintendence of the District Surveyor.

And be it Enacted, That every dwelling-house which shall be hereafter built on any old or new foundations shall have an inclosed back yard or an open space of at least *One Square*, exclusive of any building therein, except where such dwelling-house shall be built on foundations either wholly or partly old, then such open space may have buildings thereon, but not to be carried up beyond the level of the ceiling of the under-ground and ground floors.

And be it Enacted, That it shall not be lawful hereafter to build any house or building, either upon old or new foundations, in which the floor of any room or cellar intended to be used as a dwelling shall be below the surface or level of the ground in the immediate neighbourhood of such house or building, unless there shall be an open space or area adjoining to the front, back or external side of such room or cellar, and extending the full length thereof, and not less than *Three Feet* wide in every part, from *Six Inches* below the floor of such room or cellar to the surface or level of the ground, and unless there shall be a part or space of such area, at least *Six Feet* long and *Three Feet* wide in front of the window of such room or cellar, left open or covered only with open gratings.

And be it Enacted, That in any house already built or which shall be hereafter built, it shall not be lawful to let

separately, except as a warehouse or storehouse, nor to occupy nor suffer to be occupied for hire as a dwelling-place any room containing less than *One Square*, nor any underground cellar or room of any dimensions, unless every such room shall have a window in the same to an open area, and fireplace with proper flue therefrom, as hereinafter directed, and as open area adjoining to such underground cellar or room; nor shall it be lawful to use, or to suffer to be used, any part of any dwelling-house as a pig-sty, dog-kennel, or any other like obnoxious purpose; and every person who shall wilfully let or suffer to be occupied or used any underground cellar or room contrary to the provisions of this Act, shall, on conviction thereof before Two Justices of the Peace, forfeit and pay the sum of *Twenty Shillings* for every day that such cellar or room shall be so occupied, and Half of such penalty to go to the person who shall be the informer, and the other Half to the Surveyor for the district in which such unlawfully occupied or used cellar or room shall be situated, unless neglect or default can be proved against such Surveyor, in which case the whole penalty shall go to the person so informing.

And be it Enacted, That there shall be made for every underground room intended or used as a dwelling in every house or building which shall be hereafter built, a fireplace at least *Three Feet* high and at least *Two Feet Nine Inches* wide, with proper flue therefrom; and also a window opening at least *Four Feet Nine Inches* high, and at least *Three Feet* wide in the clear of the reveals, which window opening shall be fitted with a frame filled in with glazed sashes, at least the *One-half* of which shall be made to open for ventilation.

And be it Enacted, That in any house or building which shall be hereafter built, there shall not be in any part of the roof thereof more than one floor of rooms, which rooms shall not be of a less height than *Seven Feet*, nor exceeding *Ten Feet* within the roof; nor shall there be in any other part of such house or building be built or used any room as a dwelling of a less height than *Eight Feet* from the floor to the ceiling.

And be it Enacted, That if any part of the external walls or inclosures of any building of the *Sixth Rate* shall be more than *Twenty-five Feet* high from the foundation thereof, and shall be wholly or in part of any other materials than are hereinafter directed for external walls, such building shall be built, as regards the strength thereof, to the satisfaction of the Surveyor; and it shall not be lawful hereafter to build any house or building of any Rate whatever nearer than *Fifty Feet* to any timber building, or to any other building of the *Sixth Rate*, which may be used for dangerous, offensive or obnoxious trades, as herein defined.

And be it Enacted, That as from the *First day of January, One thousand Eight hundred and Forty-four*, it shall not be lawful to carry on within the limits of this Act, in any house or building, or vault, nor in the open air, at a less distance than *Forty Feet* from any public way, or than *Fifty Feet* from any other house or building, or ground not in the same possession or occupation therewith, any trade or business such as that of a soap-boiler, tallow-melter, slaughterer of cattle or horses, blood-boiler, bone-boiler, fellmonger, oil-cloth-painter, manufacturer of gunpowder, detonating powder, lucifer-matches or tannish, gas-works, chemical-works, fireworks, or any other trade or business which is or which shall be considered by Two of the Justices of the Peace to be dangerous as regards fire, or dangerous or offensive or obnoxious as regards all persons, more especially those persons living or passing in the vicinity thereof; nevertheless it shall be lawful for all such trades and businesses as shall have been already established, to be continued to be carried on in their present situations for a term not exceeding *Thirty Years* from the passing of this Act, provided the same be not contrary to any existing Act of Parliament, nor otherwise contrary to law; and every person who shall be convicted before Two Justices of the Peace of carrying on such dangerous or offensive trade, shall forfeit any sum not exceeding *Fifty Pounds*, as the said Justices may determine.

And be it Enacted, That upon the completion of every such building as aforesaid, the Owner thereof shall again give *Twenty-one Days* notice to the Surveyor; and such Surveyor, together with the said Official Referees, shall survey the same, and shall certify under their hands, or under the hands of any Three of them, that such building has been built to their satisfaction, and such certificate shall be immediately filed with the Clerk of the Peace, paying such Clerk *One Shilling* for filing thereof, and no more; and then and in every such case, and notwithstanding, it shall be lawful to use such building as aforesaid; and in case any such house or building shall be used either as a dwelling-house or for any other of the purposes aforesaid, before such certificate of satisfaction as aforesaid shall have been filed with the Clerk of the Peace, such person shall, on conviction thereof before Two Justices of the Peace, forfeit a sum not being less than *Five Pounds* nor exceeding *Fifty Pounds*, to be paid by the Owner or Occupier of such house or building, daily, until the filing of record of such certificate of satisfaction as aforesaid, One-half thereof to go to the person giving information, and the other Half to the poor of the parish in which such building shall be: Provided always, That if within *Twenty Days* from the assembling of such parish such certificate of satisfaction shall not have been filed as aforesaid, such house or building shall be liable to be abated as a nuisance under the powers in this Act contained.

And be it Enacted, That in case any party shall be desirous of erecting any building which, in the opinion of the Surveyor, shall not come within any of the aforesaid Rates, then the same shall be built in and according to such Rate as the Surveyor shall direct; and if the party so desirous to build shall be dissatisfied with its decision of the Surveyor, it shall be referred to the aforesaid Official Referees, and their decision shall be final.